

REMARKS

A terminal disclaimer is being filed herewith to obviate the obviousness type double patenting rejection.

Claims 1-4 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Phillips (4,932,965).

Applicants respectfully traverse the rejection of the claims. The present invention relates to the use of a visual indicator associated with the strands of a suture system in which two strands are attached to the same needle and can be visually distinguished from each other.

Phillips does not teach or suggest the recited solution to this problem. Phillips utilizes different colors for different sutures 26, i.e., for different pairs of needles. By only using two needles connected by a single suture strand (see Fig. 2 where each suture 26 has opposite ends 28 and 30, which are the same color), Phillips does not have the problem of having the same color strands passing through the same hole. Phillips does not teach or suggest a structure in which a particular needle is attached to two suture strand portions that can be visually distinguished from each other. Phillips does not address the problem the present invention is meant to solve. When a double stranded suture is employed, there are two strands that follow a

needle through the same hole in the tissue. Because the two strands are positioned in the same hole they can not readily be distinguished from each other without use of the present invention. For Philips, the different sutures are spatially separated and thus does not address same problem. If Philips attempted to pass two needles through the same hole, there is a risk of what has been termed a "William Tell" (see page 8, lines 3-14 of the application) where the second needle actually goes through the first suture strand that was previously inserted, thereby risking a break of the suture and/or bleeding through the hole.

Claims 5-8, 10, 11 and 14 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Soviet Patent No. 513696 ('696) and further in view of Phillips.

Applicants respectfully traverse this rejection of the claims. The '696 reference uses thread (1) with 3 needles with no way to distinguish between thread segments passing through the same hole (e.g. 6 and 7). Additionally, the '696 reference relates to the joining of two tissue layers (3 + 4) and does not disclose or suggest the use of the system for suturing a prosthetic device. However, Phillips does not suggest the solution provided by the present invention. Phillips teaches that

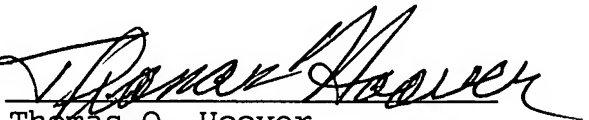
different colored threads be attached to different needles. Phillips does not teach that two different threads, that are distinguishable from each other, can be attached to the same needle. New dependent claims 15-20 have been added for consideration. The '696 reference is also absent of any teaching or suggestion of this solution to the problem.

The Examiner is encouraged to telephone the undersigned attorney to discuss any matter that would expedite allowance of the present application.

Respectfully submitted,

COHN ET AL.

By:



Thomas O. Hoover

Registration No. 32,470

Attorney for Applicant(s)

WEINGARTEN, SCHURGIN,
GAGNEBIN & LEOVICI LLP
Ten Post Office Square
Boston, MA 02109
Telephone: (617) 542-2290
Telecopier: (617) 451-0313

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